City of Fremont Initial Study

1. **Project**: Beachwood Townhomes (PLN2014-00237)

2. **Lead Agency name and address (including e-mail address/fax no. as appropriate):**

   City of Fremont Community Development Department
   39550 Liberty Street, 1st Floor
   Fremont, CA 94538

3. **Lead Agency contact person:**

   Terry Wong, Associate Planner
   Phone: (510) 494-4456
   E-mail: twong@fremont.gov

4. **Project location:** 34653 Fremont Boulevard, Fremont, CA, 94555
   (APN: 543-247-163-2)

5. **Project Sponsor's name and address:**

   Scott Murray (Chris Guenther - representative)
   175 East Main Avenue, Suite 13D
   Morgan Hill, CA 95037
   Phone: (925) 406-6000
   E-mail: smurray@interorealestate.com

6. **General Plan Land Use Designation:** Residential – Medium, 14.6-29.9 Units per Acre

7. **Zoning:** R-G-24

8. **Description of Project:**

   The proposed project involves a rezoning of a 1.11 acre parcel located at 34653 Fremont Boulevard to a new Preliminary and Precise Planned District, a Tentative Tract Map (No. 8193) to create five parcels, and a new 18-unit townhouse development with a private street, and Historical Architectural Review of the project in relation to an existing potential historic single-family residence. Because one single-family residence exists on the parcel, a total of 19 dwelling units would be located within the new Planned District. The proposed development would preserve the existing dwelling and maintain it in its current location. The applicant proposes to create a separate parcel for the single-family residence. The subdivision would be accessed via a new private street leading from Fremont Boulevard into the property and providing access to the garages of each unit. There would be one commonly-owned parcel that would consist of the private streets and all common landscaped areas and guest parking areas.

   The townhouse units would feature four different three-story floor plans ranging in size from 1,878 to 2,056 square feet of living area. All residences would be provided with a two-car garage. The existing home located at 34653 Fremont Boulevard would be provided with a new driveway and a tandem two-car garage that would be accessed from Fremont Boulevard. Each townhouse would be provided with a covered front porch and a second-story balcony. A landscaped open space would be provided at the center of the site. Nine guest parking spaces would be provided along the main private street and adjacent to the common open space at the center of the development.

   Two pedestrian walkways would be located along the project's Fremont Boulevard frontage and would connect to the front entrances of each residence throughout the development.

   The property is currently zoned R-G-24, Garden Apartment Residence District. The proposed project would require a rezoning to establish a new Residential Planned District. A Tentative Tract Map and review of the Private Street is also required to allow the proposed subdivision. The project will require approval by the City's Historical Architectural Review Board, Planning Commission and City Council.

9. Surrounding Land Uses and Setting:

The project site consists of a 1.11 acre parcel which contains an existing single-family dwelling, which would be preserved in its current location. The property was historically part of a family farmstead with a shed and a storage building. The structures remain on the site. Currently, the majority of the project site is fallow soil, with several smaller fruit trees scattered across the property.

The site is bounded by Fremont Boulevard to the northeast, single-family residences to the southeast, and townhomes to the northwest and also to the south and southwest. Fremont Boulevard is a four-lane arterial road with a median island in the middle in front of the project site. The proposed development would be accessed via a new private street located directly off Fremont Boulevard approximately 250 feet north of the intersection of Fremont Boulevard and Ferry Lane.

10. Congestion Management Program - Land Use Analysis: The project analysis must be submitted to the Alameda County Congestion Management Agency for review if "Yes" to any of the following:

[ ]	YES	[X]	NO	This project includes a request for a General Plan Amendment. If yes, send appropriate forms to Alameda County Congestion Management Agency.
[ ]	YES	[X]	NO	A Notice of Preparation is being prepared for this project.
[ ]	YES	[X]	NO	An Environmental Impact Report is being prepared.

11. Other Public Agencies Requiring Approval: Alameda County Flood Control District (ACFCD), Alameda County Water District (ACWD), Union Sanitary District (USD)

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The following list indicates the environmental factors that would be potentially affected by this project. Those factors that are indicated as a "Potentially Significant Impact" in the initial study checklist are labeled "PS" while those factors that are indicated as a "Potentially Significant Unless Mitigation Incorporated" are labeled "M".

	Aesthetics		Agriculture and Forest Resources	**X**	Air Quality
X	Biological Resources	**X**	Cultural Resources		Geology / Soils
X	Hazards & Hazardous Material		Hydrology / Water Quality		Land Use / Planning
	Greenhouse Gas Emissions		Mineral Resources		Noise
	Population / Housing		Public Services		Recreation
	Transportation / Traffic		Utilities / Service Systems		Mandatory Findings of Significance

PREVIOUS ENVIRONMENTAL ANALYSES: None

DETERMINATION BY THE CITY OF FREMONT:

On the basis of this initial evaluation:

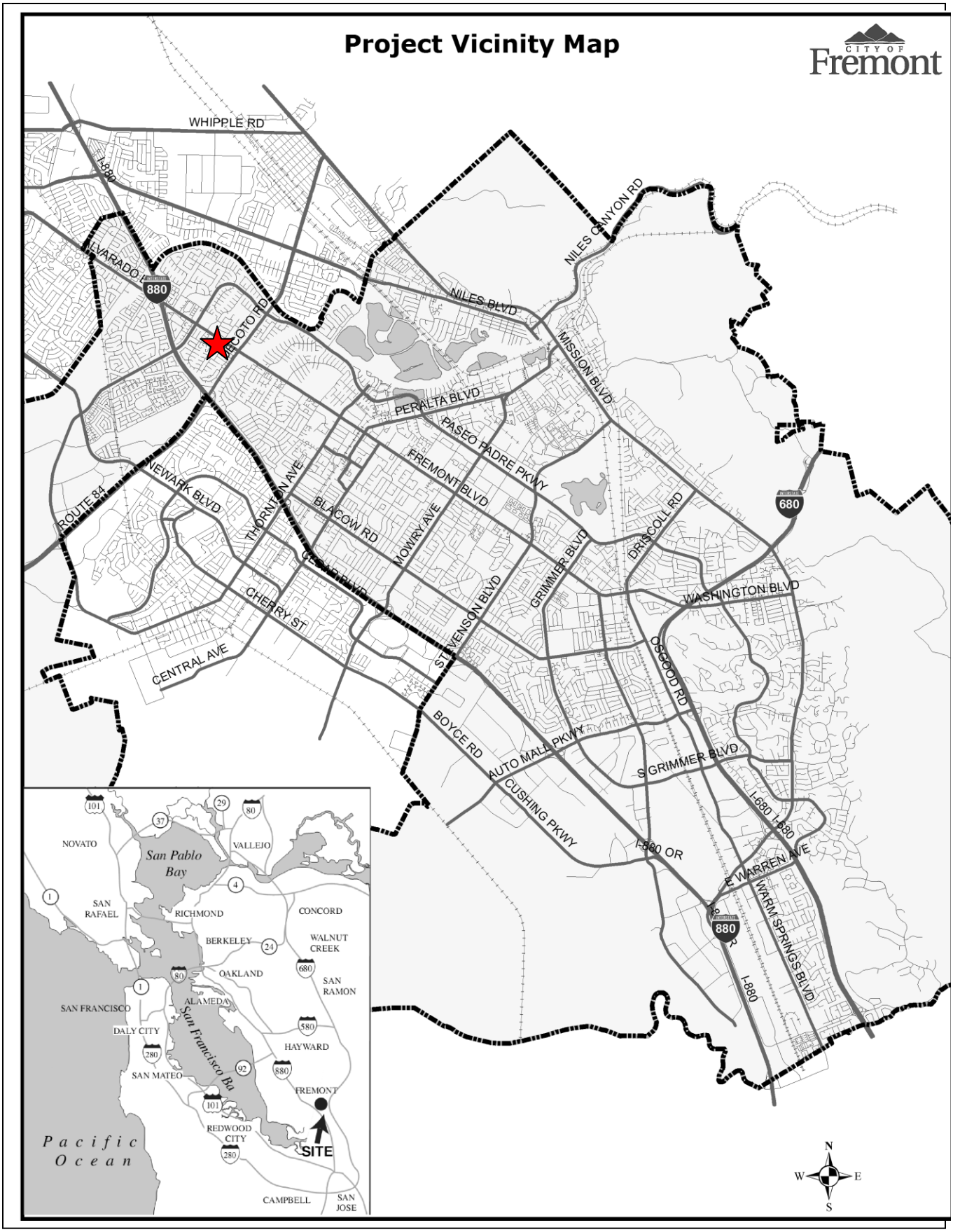
	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
X	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: _____ Date: 9/12/14

Printed Name: Terry Wong For: City of Fremont

Principal Planner Review: T.R.


Project Vicinity Map
CITY OF Fremont
WHIPPLE RD
I-880
ALVARADO
880
ALCOTO RD
NILES CANYON RD
NILES BLVD
MISSION BLVD
PERALTA BLVD
PASEO PADRE PKWY
FREMONT BLVD
NEWARK BLVD
ROUTE 84
THORNTON AVE
BLACOW RD
MOWRY AVE
CEDAR BLVD
CHERRY ST
CENTRAL AVE
STEVENSON BLVD
GRIMMER BLVD
DRISCOLL RD
680
WASHINGTON BLVD
OSGOOD RD
BOYCE RD
AUTO MALL PKWY
CUSHING PKWY
S GRIMMER BLVD
I-880 OR
I-680 I-880
E WARREN AVE
WARM SPRINGS BLVD
I-880
880
NOVATO
San Pablo Bay
VALLEJO
SAN RAFAEL
RICHMOND
CONCORD
BERKELEY
WALNUT CREEK
OAKLAND
SAN RAMON
ALAMEDA
SAN FRANCISCO
DALY CITY
San Francisco Ba
HAYWARD
SAN MATEO
FREMONT
REDWOOD CITY
SITE
Pacific Ocean
CAMPBELL
SAN JOSE
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I. AESTHETICS - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Have a substantial adverse effect on a scenic vista?			X		1, 8, 11
b	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X	1, 8, 11
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?			X		1, 8, 11
d.	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X		1, 8, 11

Environmental Setting

The project site consists of a 1.11 acre parcel which contains an existing potentially historic single-family dwelling, which would be preserved in its current location. Although the building retains its historic architectural integrity, it has not been maintained over time. Therefore, aspects of the exterior of this existing residence would also be remediated and rehabilitated consistent with the Secretary of Interior Standards for rehabilitation of historic structures. The property was historically part of a family farmstead with a shed and a storage building. The structures remain on the site. Currently, the majority of the project site is fallow soil, with several smaller trees scattered across the property. The front of the site is overgrown with weeds and unmaintained shrubs.

Regulatory Framework

Local regulations that pertain to the proposed project related to aesthetics include:

- City of Fremont General Plan Community Character Chapter (adopted December 2011)
- City of Fremont Municipal Code, Title 18, Planning and Zoning (Reformatted October 2012)

Discussion/Conclusion/Mitigation

a-b) Would the project have a substantial adverse effect on a scenic vista? b) Would the project substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

The General Plan does not identify any scenic resources in the vicinity of the project site and it is not located along a designated scenic corridor or highway. There are several smaller trees on the site that would be removed as part of the project, but none of these trees are considered to be scenic resources or of historical significance, and the applicant will be required to replace each tree being removed in accordance with the 1:1 replacement requirement of the City's Tree Preservation Ordinance to the satisfaction of the City Landscape Architect. The proposed project includes new landscaping and trees throughout the project and in particular enhanced landscaping along the Fremont Boulevard frontage and the existing potentially historic residence. The proposed landscape plan will enhance, rather than impact, the appearance of the site from Fremont Boulevard. The project site contains an historic house, but it would not be damaged or otherwise physically altered by the proposed project. The house will be preserved in place as part of the proposed project and also enhanced and rehabilitated consistent with the Secretary of Interior Standards, thereby improving the condition and aesthetic appearance of the house. Impacts from the proposed project on this historic house are discussed further in Section V, Cultural Resources, below. Mitigation measures which address the project's impacts on the historic integrity of this house are also provided in Section V. Otherwise, impacts from the

construction of the project on scenic resources would be less than significant and no additional mitigation is required.

Potential Impact: Less than Significant
Mitigation: None Required

c) Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

Much of the project site is undeveloped and has not been maintained resulting in overgrown weeds and shrubs. The property contains a one-story single-family home, a shed and a storage building. Several of the proposed townhomes were designed with smaller third floors to reduce building mass and the project includes significant setbacks from the nearest adjacent homes to the south and southeast of the subject property ranging from 29 to 38 feet of separation from the residences. The separation will reduce impacts to the privacy of these neighbors and help to minimize the visual impacts that could result from the additional height of the proposed units on the adjacent properties. As such, the project would not significantly degrade the visual character of the site or its surroundings or adversely impact the privacy of the neighboring properties, and no mitigation is required.

Potential Impact: Less Than Significant
Mitigation: None Required

d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

The project site is currently largely vacant, with only one existing single-family dwelling to remain on the property; therefore, construction of the proposed project will result in new sources of light from the proposed homes. The City's Zoning Ordinance requires that all exterior light sources be designed so as not to create significant glare on adjacent properties through the use of concealed source and/or downcast light fixtures. Compliance with the exterior lighting requirements of the Zoning Ordinance will result in the project's having no significant lighting or glare impacts on adjacent properties, and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None Required

II. AGRICULTURE AND FOREST RESOURCES - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in the Forest Protocols adopted by the California Air Resources Board. Would the project:

ISSUES:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X	1, 8, 20
b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	1, 8, 20
c.	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)?				X	N/A
d.	Result in the loss of forest land or conversion of forest land to non-forest use?				X	N/A
e.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X	N/A

Environmental Setting

The project site consists of one parcel totaling ±1.11 acres located at 34653 Fremont Boulevard and contains an existing single-family dwelling which would be preserved in its current location. A shed and storage building would be demolished. The property was historically part of a family farmstead. Currently, the majority of the project site is fallow soil, with several fruit trees scattered across the property.

Regulatory Framework

State and local regulations that pertain to the proposed project related to agriculture and forest resources include:

- City of Fremont General Plan Conservation Chapter
- California Department of Conservation, Alameda County Farmland Map-Access via URL: ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2010/ala10.pdf

Discussion/Conclusion/Mitigation

a) Would the proposed project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

According to the California Department of Conservation's 2010 Alameda County Farmland Map, the site is not Prime Farmland, Unique Farmland or Farmland of Statewide Importance. Therefore, no impact to such lands would result from the project.

Potential Impact: No Impact
Mitigation: None Required

b-e) Would the proposed project conflict with existing zoning for agricultural use, or a Williamson Act contract? Would the proposed project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)? Would the proposed

project result in the loss of forest land or conversion of forest land to non-forest use? Would the proposed project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

The project site was historically developed as a family farmstead; however, farming has not occurred on the property for many years. As shown on the California Department of Conservation's 2010 Alameda County Farmland Map, the site is classified as "urban and built-up land." Furthermore, there are no agriculturally-zoned lands or existing Williamson Act contracts in the project area. In addition, the project would not result in the loss of forest land or the conversion of forest land to non-forest use. Therefore, no agricultural resource or forest resource impacts would result from the development of the project, and no mitigation is required.

Potential Impact: No Impact
Mitigation: None Required

III. AIR QUALITY - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Conflict with or obstruct implementation of any applicable air quality plan?				X	1, 21, 22
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		X			1, 21, 22
c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X	1, 21, 22
d.	Expose sensitive receptors to substantial pollutant concentrations?		X			1, 3, 6, 21, 22
e.	Create objectionable odors affecting a substantial number of people?			X		1, 3, 6

Environmental Setting
The project site consists of one parcel totaling ±1.11 acres located at 34653 Fremont Boulevard and contains an existing single-family dwelling which would be preserved in its current location. A shed and storage building would be demolished. The property was historically part of a family farmstead. Currently, the majority of the project site is fallow soil, with several fruit trees scattered across the property.

Regulatory Framework
Federal, state and local regulations that pertain to the proposed project related to air quality include:

- City of Fremont General Plan Conservation Chapter (Air Quality)
- Clean Air Plan: The City of Fremont uses the guidance established by the Bay Area Air Quality Management District (BAAQMD) to assess air quality impacts associated with project construction

and operation based on criteria pollutants contained in the adopted *Clean Air Plan*. The *Clean Air Plan* focuses on improvement of air quality throughout the basin. A network of BAAQMD monitoring stations continually measures the ambient concentrations of these pollutants for reporting purposes. The closest such monitoring station is No. 1014 located at 40733 Chapel Way in Fremont. Ozone precursors and particulate matter are the primary air pollutants of concern for development projects. These include reactive organic gases (ROG), nitrous oxides (NOx), and particulate matter (PM_{10} and $PM_{2.5}$). Thresholds are whether a project would exceed the emissions of 10 tons per year or 54 lbs. per day for ozone precursors.

- Bay Area Air Quality Management District (BAAQMD) CEQA Air Quality Guidelines

Discussion/Conclusion/Mitigation

a-c) Would the project conflict with or obstruct implementation of any applicable air quality plan? Violate any air quality standard or contribute substantially to an existing or projected air quality violation? Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

In formulating its compliance strategies, Bay Area Air Quality Management District (BAAQMD) relies on planned land uses established by local general plans. When a project is proposed in a jurisdiction with a general plan in a manner consistent with that general plan, then it is also considered to be consistent with BAAQMD's *Clean Air Plan*. The project, at a proposed net density of 17.1 units per acre, would be consistent with the City of Fremont's General Plan land use designation for the property of Residential – Medium 14.6-29.9 Dwelling Units per Acre.

This analysis of potential impacts resulting from criteria pollutants uses the Bay Area Air Quality Management District (BAAQMD) CEQA guidelines and thresholds adopted in June 2010. The project proposes 18 new attached townhomes, which is well below the BAAQMD's screening criteria for projects that could have a potentially significant effect on the environment in relation to the emission of operational and construction criteria pollutants.

	Pollutant Screening Size			
Land Use	Operation	Construction	Project	Above Screening Level?
Condo/Townhouse, General	451 units	240 units	18 new townhomes,	No

As such, the project would not result in the generation of operational-related criteria air pollutants and/or precursors that would exceed BAAQMD thresholds of significance. Operation of the proposed project would therefore result in a less-than-significant cumulative impact to air quality. The project would be consistent with the Congestion Management Program and would not contribute substantially to an existing or projected air quality violation.

Potential Impact: No Impact
Mitigation: None Required

d-e) Would the project expose sensitive receptors to substantial pollutant concentrations? Would the project create objectionable odors affecting a substantial number of people?

The temporary effects of grading and construction activities could cause airborne dust during construction of the project which could pose a nuisance to the adjacent residences and businesses if not managed through dust control methods. However, these impacts would be of a temporary duration, and implementation of Mitigation Measure Air-1, below, would reduce the impacts to a less-than-significant level.

Potential Impact: Less than Significant Impact with Mitigation Incorporated
Mitigation Measure Air-1: *Prior to the issuance of a grading and/or building permit, whichever occurs first, the following best management practices shall be included in a dust control plan to limit particulate matter (fugitive dust emissions) and noted on construction plans with the contact information for a designated crewmember who will oversee the on-site implementation of the plan:*

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered twice per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
8. Post a publicly visible sign with the telephone number and person to contact at the City of Fremont regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

As a sensitive residential receptor, the project would not generate objectionable odors, nor would it be located within a mile of an odor-generating land use.

IV. BIOLOGICAL RESOURCES - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?		X			1, 8, C
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				X	1, 8, C
c.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X	1, 8, C
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		X			1, 8, C
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		X			1, 3, 8, C
f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X	1, 8, C

Historic

Environmental Setting

The project site consists of a 1.11 acre parcel that contains and existing potentially register eligible historic single-family dwelling that would be preserved in its current location. A shed and storage building (not considered historic) also occupy the site and would be demolished. The property was historically part of a family farmstead. Currently, the majority of the project site is fallow soil with 17 various fruit trees (lemon, orange, avocado, apple, persimmon, fig), which are proposed for removal and replacement with ornamental and shade trees. The site and existing vegetation has not been maintained and therefore, the majority of existing fruit trees have been assessed in varying conditions from poor to fair.

Regulatory Framework

Federal, state, and local regulations that pertain to the proposed project related to biological resources include:

- City of Fremont General Plan, Conservation Chapter
- City of Fremont Tree Preservation Ordinance
- Federal Migratory Bird Treaty Act
- California Department of Fish and Wildlife Code
- U.S. Fish and Wildlife Service laws and requirements
- Alameda County Flood Control District laws and requirements

Discussion/Conclusion/Mitigation

a-c) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

The project site is mostly fallow dirt, with only one single-family dwelling, and two accessory shed structures, and associated paving for vehicular access occupying the property. Because the majority of the site has sat vacant and largely undisturbed for the last several years, it is possible that it now contains suitable habitat for burrowing owls. To avoid impacts to burrowing owls or their habitat, the following mitigation shall be required:

Potential Impact: Less than Significant with Mitigation Incorporated
Mitigation Measure Bio-1: *To mitigate any potential impact to future occupation of the site by burrowing owls, the following measures shall be shall be incorporated into the project conditions of approval and written into the construction drawings:*

a) No more than 30 days prior to the start of construction activity, a focused survey for burrowing owls shall be conducted by a qualified biologist, in accordance with the most recent version of the California Department of Fish and Game (CDFG) protocol to identify active burrows on and within 250 feet of all construction and staging areas. The preconstruction surveys shall be conducted regardless of the time of year in which construction occurs. If there is a gap of more than 30 days in project activity in an undisturbed construction area, the area shall be re-surveyed prior to the recommencement of activity. Prior to the commencement of construction after the survey, a written verification by the biologist of the survey result shall be submitted to the City. If no occupied burrows are found in the survey area, no further action is necessary.

b) In addition to preconstruction surveys, the contractor, in consultation with a biologist, shall provide an educational presentation for job site construction workers that explains and identifies burrowing owl considerations so as to avoid other accidental incidents when a biologist is not present. Written verification of participation in an educational program shall be provided by the biologist prior to initial commencement of work on the site and signs or posters shall be maintained on site in a prominent location visible to workers that identify burrowing owls.

c) If occupied burrows are found in the survey area, on-site passive relocation techniques (e.g., one-way doors) may be used to encourage owls to move to alternative burrows outside of the impact area. Notification shall be given to the City upon discovery. A protection plan shall be prepared by the biologist and submitted for City review. Relocation or disturbance of owls cannot occur during the nesting season (April through August). A qualified biologist may verify through non-invasive methods that the burrow is no longer occupied and prevention measures may then be incorporated to prevent reoccupation during the nesting season.

d) If a burrow is occupied during the nesting season, impacts shall be avoided by establishing a 250 foot buffer around the burrow where no activity shall occur. The size of the buffer area may be adjusted if a qualified biologist determines it would not be likely to have adverse effects on the burrow. No project activity shall commence within the buffer area until the nesting season has ended, or a qualified biologist confirms that the burrow is no longer occupied or that the young have fledged.

d) Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

There are several existing trees on the project site that could provide suitable nesting habitat for some species of native birds. Removal of any trees containing active bird nests could result in the abandonment of the nesting effort and, thus, pose a potentially significant impact on migratory birds. Active bird nests are protected by the federal Migratory Bird Treaty Act and the California Department of Fish and Wildlife. Implementation of Mitigation Measure Bio-2, below, would reduce impacts to any nesting birds to a less-than-significant level.

Potential Impact: Less than Significant Impact with Mitigation Incorporated
Mitigation Measure Bio-2: *If project-related activities are scheduled to occur during the nesting season (February 1 through August 31 for protected raptors and migratory birds), a focused survey of the work area for active nests of such birds shall be conducted by a qualified biologist within 15 days prior to the beginning of any project-related activities. If a lapse in project-related work of 15 days or longer occurs during the nesting season, another survey shall be required before project work can be reinitiated. If an active nest is found, the applicant or developer shall establish a buffer area that surrounds the nest location. The width of the buffer shall be determined by the survey biologist and shall be dependent on the location of the nest and the affected species. No project-related work or activities shall be permitted within the buffer area until the biologist has determined the nest is no longer active. The final determination shall be made by the City of Fremont Planning Manager upon receipt of the biologist's recommendation.*

e-f) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

A total of 17 trees (fruit) exist on the site, 14 of which are proposed for removal from the site. Fruit trees are not protected under the City's Tree Preservation Ordinance. The City's Landscape Architecture Division has reviewed the project plans, including the proposed tree removal and replacement plans, and has authorized the removal of the trees. The applicant has proposed a landscape plan that provides tree replacement in accordance with and as specified within the City's Tree Preservation Ordinance.

Development of the project site as proposed would not conflict with any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, as none exist that affect the area.

V. CULTURAL RESOURCES - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.57?			X		1, 28, 29, F
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?			X		1, 28, 29, F
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X		1, 28, 29, F
d.	Disturb any human remains, including those interred outside of formal cemeteries?			X		1, 28, 29, F

Environmental Setting

The project site consists of one parcel totaling ±1.11 acres located at 34653 Fremont Boulevard and contains an existing single-family dwelling which would be preserved in its current location. The existing single-family residence has been assessed and determined as eligible for listing in the National Register of Historic Places and the California Register of Historical Resources, (California DPR 523A and 523B forms, Basin Research Associates, 2002; and Historic Resource Evaluation, Page and Turnbull, 2014). A shed and storage building, which have not been identified as eligible for the National or California Register, and therefore are not considered historic resources, would be demolished. The property was historically part of a family farmstead and orchard, but has been substantially reduced in size and was taken out of agricultural use in the late 1960's/early 1970's. Currently, the majority of the project site is fallow soil, with several remaining fruit trees scattered across the property.

Regulatory Framework

State and local regulations that pertain to the proposed project related to cultural resources include:

- City of Fremont General Plan Land Use Chapter (Historic Resources)
- Fremont Municipal Code, Title 18, Planning and Zoning (Reformatted October 2012), Section 18.175 Historic Resource

Discussion/Conclusion/Mitigation

a) Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.57?

The project site contains a one-story wood frame constructed ca. 1910 as a single-family residence in the Colonial Revival style. The house has been determined to be both a Potential National and California Register Resource under criterion C/3 (Architecture) as a good example of a Colonial Revival style farmhouse. The property and structure were evaluated in 2002 by Basin Research Associates, using State of California Department of Parks and Recreation 523A (Primary) and 523B (Building, Structure and Object) Forms. In May, 2014, Page and Turnbull reviewed the 2002 DPR forms and concurred with the finding of significance.

Any proposed development that could impact the integrity of a Potential Register Resource must be evaluated by a qualified architectural historian for compliance with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. A Historic Resource Evaluation (HRE) was prepared for the proposed project by Page & Turnbull on June 12, 2014 to determine if it would have a significant adverse impact on the integrity of the cottage. The HRE evaluated the new construction in relation to the existing structure, and landscape changes that could potentially impact the character-defining features of the historic house. Specifically the building's setting and spatial relationships. The HRE concluded that the

project would not impact the historic setting of the house by introducing new residential structures and physical improvements within the open space that has historically surrounded the house, but included a project improvement measure that would rehabilitate the house. The applicant has agreed to the improvement measure. Subsequent to Page and Turnbull's evaluation, a rehabilitation plan for the house was prepared by Siegel & Strain Architects on July 21, 2014. The plan outlines portions of the house that would need repair or replacement of materials due to damage. Siegel and Strains architectural conservator and consulting architectural historian surveyed the existing condition of the exterior of the house for the purpose of identifying building deficiencies that would require repair and remediation. As a historic resource under CEQA, work affecting the historic house must also comply with the Secretary of Interior's Standards for Rehabilitation. Implementation of the measures outlined in the Exterior Rehabilitation Plan prepared by Siegel & Strain, dated July 21, 2014 would mitigate any potential impacts to the Historic Resource to a less than significant level.

Potential Impact: Less Than Significant Impact with Mitigation Incorporated.
Mitigation Measure Cult-1**:** *Implement project improvement measure 1.0, which suggests modifications to the Landscape design that prioritize the ability to see the primary (northeast) and secondary (southeast and northwest) facades of the historic house from the public right-of-way.*

Mitigation Measure Cult-2**:** *Follow measures outlined in Exterior Rehabilitation Plan (Siegel and Strain, July 2014) when conducting necessary repairs and remediation to the Historic Resource.*

b-d) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? Would the project disturb any human remains, including those interred outside of formal cemeteries?

The project site is not known to contain any archaeological or paleontological resources. However, there is a possibility that unrecorded resources exist on the site which could be unearthed during grading activities or other site disturbance activities. Implementation of Mitigation Measure Cult-3, below, would reduce any potential impacts to such resources to a less-than-significant level:

Potential Impact: Less than Significant Impact with Mitigation Incorporated
Mitigation Measure Cult-3: *If any archaeological or paleontological resources or human remains are encountered during grading or site disturbance, the following measures shall be implemented:*

- *All work shall cease within a 200-foot radius of the discovery until it can be evaluated by a qualified archaeologist. Work shall not continue until the archaeologist conducts sufficient research and data collection to make a determination as to the significance of the resource. If the resource is determined to be significant and mitigation is required, the first priority shall be avoidance and preservation of the resource. If avoidance is not feasible, an alternative archaeological management plan shall be prepared that may include excavation. If human remains are discovered, the Alameda County Coroner's office shall be notified as required by state law. All excavation and monitoring activities shall be conducted in accordance with the prevailing professional standards, as outlined in the CEQA Guidelines and by the California Office of Historic Preservation.*

VI. GEOLOGY AND SOILS - Would the project:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X		1, 5, 6, D
	ii) Strong seismic ground shaking?			X		1, 5, 6, D
	iii) Seismic-related ground failure, including liquefaction?			X		1, 5, 6, D
	iv) Landslides?				X	1, 5, 6, D
b.	Result in substantial soil erosion or the loss of topsoil?			X		1, 5, 6, 8, D
c.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse?			X		1, 5, 6, D
d.	Be located on expansive soil, as defined in California Building Code, creating substantial risks to life or property?				X	1, 5, 6, D
e.	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X	N/A

Environmental Setting:
The project site consists of one parcel totaling ±1.11 acres located at 34653 Fremont Boulevard and contains an existing single-family dwelling which would be preserved in its current location. A shed and storage building would be demolished. The property was historically part of a family farmstead. Currently, the majority of the project site is fallow soil, with several fruit trees scattered across the property.

The City of Fremont is subject to fault rupture and related seismic shaking from several faults in the area. According to the 2004 State of Geologic and Seismic Hazard Zones map, the project site is located in an area susceptible to earthquake-induced liquefaction. Furthermore, as with any land in the San Francisco Bay Area, the project site could be subject to strong shaking during a major seismic event along one of the faults located in Northern California.

Regulatory Framework
State and local regulations that pertain to the proposed project related to geology and soils include:

- City of Fremont General Plan Safety Chapter (Seismic and Geologic Hazards)
- City of Fremont Municipal Code (Building Safety)
- 2010 California Building Code

Discussion/Conclusion/Mitigation

a-e) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving a major seismic event? Would the

project result in substantial soil erosion or the loss of topsoil? Would the project be located on a geologic unit or soil that is unstable or would become unstable as a result of the project, and potentially result in on-site or off-site landslides, lateral spreading, subsidence, liquefaction or collapse? Would the project be located on expansive soil, as defined in the California Building Code, creating substantial risks to life or property?

A Phase 1 environmental site assessment (ESA) was prepared by Lai & Associates on February 24, 2014. Because of the farming activities that occurred on the site, the report recommended that surficial soil samples be collected within the site to be assessed for the presence of pesticides, arsenic, lead and mercury associated with agricultural activities that have been conducted on the site. The ESA recommendation also included testing of the soil for petroleum hydrocarbons due to the use of farming equipment on the site. Because the site contains a house that was built in 1910, the ESA recommended the soil be tested for asbestos and lead that would be contained in the house paint.

The project site has a low potential for liquefaction during a significant seismic event, and low post-construction consolidation settlement potential due to the presence of stiff to very-stiff clay and silt deposits onsite. The report contains recommendations that would minimize the risk exposure of the proposed development to liquefaction and consolidation settlement, including removal of all existing disturbed surficial soils down to native soil levels and replacement with engineered, compacted fill. Furthermore, all proposed structures must be designed in conformance with geotechnical and soil stability standards as required by the 2010 California Building Code (CBC). Conformance to the recommendations of the geotechnical report and all applicable 2010 CBC standards would reduce safety impacts to the dwellings and their occupants to a less-than-significant level. Additionally, an erosion control plan would be required with plans submitted for grading and/or building permits to ensure that the project would not result in substantial soil erosion or loss of topsoil during grading and construction activities. As such, impacts associated with geology and soils would be less than significant, and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None Required

VII. GREENHOUSE GAS EMISSIONS - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X		1, 3, 8, 21, 22, 23
b.	Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?				X	1, 3, 8, 21, 22, 23

Environmental Setting

With the passage of the Global Warming Solutions Act of 2006 (Assembly Bill 32), the State of California acknowledged the role of greenhouse gases (GHG) in global warming and took action to reduce GHG emission levels. AB 32 set a statewide goal of reducing GHG emissions to 1990 levels by the year 2020. In doing so, it contemplated economic expansion and growth of population to 44 million people by 2020. It also called for the State's Air Resources Board (CARB) to prepare a Scoping Plan encompassing all major sectors of GHG emissions for achieving reductions consistent with AB 32's goals. The Scoping Plan,

adopted in December 2008, creates an overarching framework for meeting the GHG reduction goal of returning to 1990 emissions levels by 2020.

GHG analysis uses carbon dioxide equivalents (CO2e), measured in metric tons, to adjust for the different warming potential of a wide range of greenhouse gases, not just exclusively CO2. The State 2005 GHG emission inventory was 479 million metrics tons of CO2e. CARB projected that under business-as-usual conditions (no reduction effort) GHG emissions would grow to 596.4 million metric tons of CO2e by the year 2020. According to the Scoping Plan, reducing GHG emissions to 1990 levels requires cutting approximately 30 percent from the business-as-usual emission levels projected for 2020, or about 15 percent from 2010 levels. The target amount for the 2020 goal is an emission level of no more than 427 million metric tons of CO2e (the 1990 levels). On a per capita basis, this means reducing current annual emissions of 14 tons of CO2e for every person in California down to about 10 tons per person by 2020. The City of Fremont GHG emission inventory estimate for 2010 was 1.99 million metric tons with a service population of jobs and residents of 304,489.

Regulatory Framework

State and local regulations that pertain to the proposed project related to GHG emissions include:

- City of Fremont General Plan Sustainability and Conservation Chapters
- State Assembly Bill (AB) 32
- California Green Building Code (Mandatory)

Discussion/Conclusion/Mitigation

a-b) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? Would the project conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?

Because of the broad context and setting of the potential impacts of contributing to global climate change, the assessment of project-level emissions looks at whether a project's emissions would significantly affect the ability of the State to reach its AB 32 goals. This is identified within the City's General Plan Conservation Chapter and certified EIR as the context for reviewing project effects and global climate changes. The General Plan EIR established analysis considering the projected increase in emissions from new growth through the year 2020.

The BAAQMD CEQA Air Quality Guidelines contain methodology and thresholds of significance for evaluating the potential impacts of greenhouse gas (GHG) emissions from land use projects. BAAQMD thresholds were developed specifically for the Bay Area after considering the latest GHG inventory and the effects of AB 32 Scoping Plan measures that would reduce regional emissions. The BAAQMD intends to achieve GHG reductions from new land use projects to close the gap between projected regional emissions with AB 32 scoping plan measures and AB 32 targets. The BAAQMD suggests applying GHG efficiency thresholds to projects with emissions of 1,100 MT of CO2e/year or greater per year. Projects that have emissions below 1,100 MT of CO2e/year are considered to have less than significant GHG emissions. At 18 new townhomes, the project attributes of the proposed residential project are below the screening criteria (78 or greater condos/townhomes) established by the BAAQMD as a conservative estimate as to whether a project would exceed the 1,100 MT of CO2e/year threshold of significance for projects other than stationary sources. Projects below the screening criteria are considered as having less than significant GHG emissions. Since the screening criteria are met, the project would result in a less-than-significant impact to global climate change and would not hinder or delay the ability of the State to reach the goal levels set forth in AB 32. Furthermore,

the project is consistent with General Plan goals and policies to reduce the effects related to global climate change including Land Use Policy 2-3.4 that supports infill development and Land Use Policy 3-1.7 that requires sidewalks in all new development.

Potential Impact: Less than Significant
Mitigation: None Required

VIII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?		X			1, 6, 7, E
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		X			1, 6, 7, E
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?		X			1, 3, E
d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?		X			1, 18, E
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X	N/A
f.	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X	N/A
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X	1, 6, 7
h.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X	N/A

Environmental Setting:
The project site consists of one parcel totaling ±1.11 acres located at 34653 Fremont Boulevard and contains an existing single-family dwelling which would be preserved in its current location. The property was historically part of a family farmstead that included an orchard. Currently, the majority of the project site is fallow soil, with several fruit trees scattered across the property. The nearest residences are located adjacent to the site, to the northeast and northwest, while the nearest school (Warwick Elementary) is located approximately one-third mile away to the northeast.

Regulatory Framework

State and local regulations that pertain to the proposed project related to hazards and hazardous materials include:

- City of Fremont General Plan Land Use and Safety Chapters
- City of Fremont Fire Code
- Department of Toxic and Substances Control (DTSC) Hazardous Waste and Substances Site List

Discussion/Conclusion/Mitigation

a-c) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

A Phase 1 Environmental Site Assessment (ESA) was conducted by Engeo Incorporated on February 24, 2014 which included recommendations to collect soil samples from the site to test for the presence of hazardous materials that may have been applied to the land during its past use for agricultural purposes. The recommendation also included asbestos and lead testing because of the presence of paint chips from the house. Since the house was constructed in 1910, the paint typically used for buildings contained lead until the 1970's. A Phase 2 Environmental Site Assessment (ESA) was conducted by GeoSolve, Inc. on February June 16, 2014 which included soil testing samples taken from the site. The presence of hazardous materials including pesticides, petroleum hydrocarbons and lead were found in the soil. The report indicates that in order to remediate the hazardous material, approximately 1,073 tons of soil would need to be excavated and disposed from the site by a California licensed hazardous waste licensed contractor, under signed manifests to accepting landfills.

With the mitigation measures, the project would not expose the public to environmental hazards during ground-disturbing activities that would occur during the development of the project.

Potential Impact: Less than Significant Impact with Mitigation Incorporated.
Mitigation Measure Haz-1: *Site development and grading shall not occur until the site has been certified by the California Department of Toxic Substance Control (DTSC) as suitable for new residential development. Certification will require the applicant or their agent to complete a Preliminary Endangerment Report or a Voluntary Cleanup Agreement, and receive DTSC's concurrence that the site's Recognized Environmental Conditions (RECs) have been resolved.*

Mitigation Measure Haz-2: *The applicant shall excavate and dispose of approximately 1,073 tons of soil 2014 from the site by a California licensed hazardous waste licensed contractor, under signed manifests to accepting landfills as stated in the report prepared by Geosolve, Inc. date June 16, 2014.*

Confirmation of soil samples must be collected from the excavation limits to determine if the impacted-soil was removed from the site. Approximately six soils samples should be randomly collected and tested from the excavation site limits within Area 1. Approximately 12 confirmation soil samples should randomly collected and tested from the excavation limits within Area 2, and approximately two confirmation soil samples should be randomly collected and tested from the excavation limits within Area 3. The conformation soil samples shall be delivered under the chain-of-custody documentation to a State-Certified hazardous waste testing laboratory and analyzed for lead. Soil represented by sample as stated in Phase II ESA conducted by GeoSolve,

Inc. on June 16, 2014, is classified as California Hazardous Waste and must be handled and transported appropriately and disposed of at an appropriate hazardous waste disposal facility in accordance with applicable state laws.

The excavation areas must be backfilled and compacted with clean imported fill to a 95 percent maximum dry-density.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

The project site is not listed on the Department of Toxic Substance Control's Hazardous Waste and Substances Site List (Cortese List). The site was historically used for agricultural purposes, and while its soil contains levels of pesticides, petroleum hydrocarbons and metals from the time it was farmed, the Phase I ESA conducted by Engeo Incorporated on February 24, 2014 which included recommendations to collect soil samples from the site to test for the presence of hazardous materials that may have been applied to the land during its past use for agricultural purposes. The recommendation also included asbestos and lead testing because of the presence of paint chips from the house. Since the house was constructed in 1910, the paint typically used for buildings contained lead until the 1970's. A Phase 2 Environmental Site Assessment (ESA) was conducted by GeoSolve, Inc. on February June 16, 2014 which included soil testing samples taken from the site. The presence of hazardous materials including pesticides, petroleum hydrocarbons and lead were found in the soil. The report stated that approximately 1,073 tons of soil would need to be excavated and disposed from the site by a California licensed hazardous waste licensed contractor, under signed manifests to accepting landfills.

Potential Impact: Less than Significant Impact with Mitigation Incorporated
Mitigation: ***Mitigation Measure Haz-1 and 2 (see above)***

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

The project site is not located within an airport land use plan nor are there any public or private airports within City limits.

Potential Impact: No Impact
Mitigation: None Required

f-g) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

The proposed project would not interfere with emergency response or evacuation plans and would be designed to meet all applicable federal, state and local fire safety codes. Emergency vehicle access would be provided throughout the project via private streets designed in compliance with city Fire Department and Public Works Department standards. Furthermore, the

project is not located in an area susceptible to wildland fires. For these reasons, no significant impact to life safety would result from the project, and no mitigation is required.

Potential Impact: No Impact
Mitigation: None Required

IX. HYDROLOGY AND WATER QUALITY - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Violate any water quality standards or waste discharge requirements?				X	1, 6, 8, 14, 15, 16
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pro-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X	1, 6, 8, 14, 15, 16
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X	1, 6, 8, 14, 15, 16
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X		1, 6, 8, 14, 15, 16
e.	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X		1, 6, 8, 14, 15, 16
f.	Otherwise substantially degrade water quality?				X	1, 6, 8, 14, 15, 16
g.	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X	N/A
h.	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X	1, 6, 17
i.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X	1, 6, 8, 17
j.	Inundation by seiche, tsunami, or mudflow?				X	1, 6, 8, 17

Environmental Setting:

The project site consists of one parcel totaling ±1.11 acres located at 34653 Fremont Boulevard and contains an existing single-family dwelling which would be preserved in its current location. A shed and storage building would be demolished. The property was historically part of a family farmstead.

Currently, the majority of the project site is fallow soil, with several fruit trees scattered across the property.

Regulatory Framework

Federal, state and local regulations that pertain to the proposed project related to hydrology and water quality include:

- City of Fremont General Plan Conservation Chapter (Water Quality)
- California Regional Water Quality Control Board, San Francisco Bay Region, Alameda Countywide NPDES Municipal Stormwater Permit, Order R2-2003-0021, National Pollution Discharge Elimination System Permit No. CAS00229831(NPDES C.3)
- Federal Clean Water Act 1987

Discussion/Conclusion/Mitigation

a-c, f) Would the project violate any water quality standards or waste discharge requirements? Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pro-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? Would the project otherwise substantially degrade water quality?

The proposed development would not violate any water quality standards, deplete groundwater supplies, or substantially degrade water quality. The project would be required to connect to the existing public sanitary sewer and storm drain systems that serve the area, and would obtain its water from the existing public water main serving the site. The Alameda County Water District has confirmed that it is capable of meeting the project's water demands without significantly impacting the District's supplies or its distribution system. Because the project would create in excess of 10,000 square feet of impervious surface area, it would be subject to the NPDES C.3 requirements of the Municipal Regional Stormwater Permit, which regulates the treatment of stormwater runoff on the site. The project as proposed would create an additional 55,995 square feet of impervious surface area on the site, bringing the gross total for the entire site to 64,672 square feet. As such, the applicant would be required to incorporate low impact development (LID) techniques to treat stormwater runoff from all on-site impervious surfaces in bio-retention planters before it is discharged into the public storm drain system. Compliance with the applicable C.3 requirements would ensure that no impacts to water quality would result from the project; therefore, no mitigation is required.

Potential Impact: No Impact
Mitigation: None Required

d-e) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? Would the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

The proposed project would not substantially alter existing drainage patterns or result in the alteration of the course of any water body. Drainage from the project would be directed into landscape-based treatment areas located throughout the development (see response to questions IX, a-c and f, above), and ultimately discharge into the public storm drain system
via a new piped system that would be constructed on the site to serve the subdivision. Per Municipal Regional Stormwater Permit requirements, the project would be required to implement hydromodification to temporarily store and meter its runoff using the Bay Area Hydrology Model (BAHM) to size its storage capacity in order to accommodate 10 percent of a two-year storm event up to a 10-year storm event. Implementation of hydromodification using BAHM in accordance with the requirements of the Municipal Regional Stormwater Permit would ensure that the project would not exceed the capacity of the storm drainage system serving the area. Therefore, no impact would result.

Potential Impact: Less than Significant
Mitigation: None Required

g-j) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? Place within a 100-year flood hazard area structures which would impede or redirect flood flows? Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? Inundation by seiche, tsunami, or mudflow?

The project site is located within Federal Emergency Management Agency Flood Insurance Rate Map (FIRM), Panel No. 06001C0433G, effective August 3, 2009. According to this FIRM, the project site is located within an Unshaded X zone and is, therefore, outside of the 100-year flood zone. The project site is also not situated within a Special Flood Hazard Area or an area that would be subject to inundation as a result of failure of a dam, levee, or reservoir. As such, no impact would result.

Potential Impact: No Impact
Mitigation: None Required

X. LAND USE AND PLANNING - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Physically divide an established community?				X	1, 2, 3, 8
b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X		1, 2, 3, 8
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?				X	1, 2, 3, 8

Environmental Setting

The project site consists of one parcel totaling ±1.11 acres located at 34653 Fremont Boulevard and contains an existing single-family dwelling which would be preserved in its current location. A shed and storage building would be demolished. The property was historically part of a family farmstead. Currently, the majority of the project site is fallow soil, with several fruit trees scattered across the property.

Regulatory Framework
State and local regulations that pertain to the proposed project related to land use and planning include:

- City of Fremont General Plan Land Use and Community Character Chapters
- Habitat Conservation Programs, California Department of Fish and Wildlife

Discussion/Conclusion/Mitigation

a-c) Would the project physically divide an established community? Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?

The subject property is designated Residential – Medium, which permits a density range of 14.6-29.9 dwelling units per acre in the City's General Plan. The proposed density of the project is 16.9 units per acre, consistent with the General Plan land use designation. The site abuts single-family residential development to the south and southeast. The site abuts townhomes to the west and southwest and north. All of the surrounding properties are developed with either one- or two-story structures, and designated Residential – Medium, allowing 14.6-29.9 dwelling units per acre in the General Plan. The proposed units would be three stories, and as such, would be one to two stories taller than the adjacent residences. However, the height is consistent with what the General Plan designation envisions and allows for multifamily residential uses (up to four stories). The project would retain some of the characteristics of suburban neighborhoods such as landscaped yards, common open space, and lower building heights. The project features ample setbacks from all of the nearest residences which would minimize visual impacts of the three-story units on the adjacent dwellings. As such, the proposed project will not physically divide the neighborhood and would be compatible with surrounding existing development.

The proposed Planned District rezoning will allow for minor deviations from the multifamily zoning standards for minimum front and interior side yard setbacks and minimum usable common outdoor open space. The units fronting onto Fremont Boulevard would be ten-feet, which would match the front yard setback for the existing historic house. The applicable front yard setback standard for homes when applying the R-3 standard is 20 feet, except in instances where the City desires a more pedestrian-oriented environment. The nearby intersection of Fremont Boulevard and Decoto Road is developed primarily with neighborhood-serving commercial uses and is designated Commercial – Mixed Use in the City's General Plan. This land use designation was chosen for these properties by the City Council to encourage their eventual redevelopment with mixed-use development that is pedestrian-scaled and easily accessible by pedestrians and transit users. As such, the neighborhood is appropriate for new residential development that is pedestrian-oriented through the provision of reduced setbacks between the front entries of each home and the adjacent street. For this reason, the reduced front yard setbacks are appropriate and the proposed deviation would not have an adverse impact on the surrounding land uses.

All proposed zoning district deviations must be approved by the decision-making body through the adoption of the Precise Site Plan proposed as part of the Planned District rezoning. If the decision-making

body finds that the proposed project still meets the intent of the applicable zoning standards, it may make a finding that none of the proposed deviations will have a significant adverse impact on the surrounding neighborhood, and no require mitigation.

Potential Impact: Less than Significant
Mitigation: None Required

XI. MINERAL RESOURCES - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X	8
b.	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X	8

Environmental Setting
The project site consists of one parcel totaling ±1.11 acres located at 34653 Fremont Boulevard and contains an existing single-family dwelling which would be preserved in its current location. A shed and storage building would be demolished. The property was historically part of a family farmstead. Currently, the majority of the project site is fallow soil, with several fruit trees scattered across the property.

Regulatory Framework
State and local regulations that pertain to the proposed project related to mineral resources include:

- City of Fremont General Plan Conservation Chapter
- Surface Mining and Reclamation Act (SMARA) 1975, California Department of Conservation

Discussion/Conclusion/Mitigation
a-b) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

According to local and state mineral resources maps, there are no known mineral resources of importance to the state or region on the site or within the surrounding area. Therefore, no impact potentially significant impacts would result.

Potential Impact: No Impact
Mitigation: None Required

XII. NOISE - Would the project result in:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X		1, 3, 9
b.	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X		1, 3, 9
c.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X	1, 3, 9

d.	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X		1, 3, 9
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X	N/A
f.	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X	N/A

Environmental Setting

The only significant noise source affecting the project site is Fremont Boulevard. The historic house located at 34653 Fremont Boulevard would be preserved in its current location with a setback of 19-feet from the property curb-line. Two of the end unit residences in the proposed development would also be situated 19-feet from the curb-line of Fremont Boulevard.

Regulatory Framework

State and local regulations that pertain to the proposed project related to noise include:

- City of Fremont General Plan Safety Chapter (Noise and Vibration)
- City of Fremont Municipal Code
- California Building Code

Discussion/Conclusion/Mitigation

a-c) Would the project exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? Would the project exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? Would a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

The proposed project would not generate permanent noise levels in excess of the City's established standards, nor would it generate permanent groundborne vibration. The project is not located close to or in the vicinity of any railroad. The General Plan goal for maximum acceptable exterior noise levels in residential areas is an Ldn of 60 dB(A). The City Council also has discretion to allow an outdoor standard of 65 dB(A) in instances where 60 dB(A) cannot be achieved mitigation. The General Plan also stipulates that the outdoor standard would not normally be applied to small decks associated with multi-family housing. Existing noise levels 75-feet from the centerline of Fremont Boulevard are at approximately 66 Ldn. A proposed common open space area would be located approximately 200-feet from Fremont Boulevard, behind the existing, remaining historic single-family home. The home would serve to screen noise levels from Fremont Boulevard. Additionally, the area would be further screened with landscaping that includes existing fruit trees, new accent and 24-inch box Elm trees in front of the area and also along the sidewalk at the front of the project. The area would further be enclosed with wood picket fencing and additional paseo trees and shrubs. The General Plan encourages noise mitigation measures such as site design, setbacks, building placement, and landscaping, rather than structural methods to mitigate and reduce noise levels to thereby minimizing its exposure to roadway noise from the boulevard consistent with General Plan thresholds. The placement of the common open space area to the rear of the project behind the existing, remaining historic residence, as well as the location of existing and proposed new landscaping and trees will reduce noise levels to a less than significant impact.

The existing cottage would remain in its current location fronting along Fremont Boulevard with an existing minimum setback of 17-feet from the face of curb, while the nearest new development adjacent to the Boulevard would have a minimum setback of 23-feet from the face of curb. General Plan policy for indoor noise levels stipulates levels should not exceed an Ldn of 45 dB(A) in new housing units. Prior to issuance of a building permit, the project would be required to prepare a noise insulation study and meet applicable State Building Code requirements, which would reduce the potential noise impacts on these units to a less-than-significant level. Noise and vibration caused by heavy equipment at the site would occur during construction of the project, but these impacts would be temporary in nature and typical of minor residential development.

Potential Impact: Less than Significant
Mitigation: None required

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Development of the project would result in a temporary increase in noise levels during daylight hours, particularly from diesel-powered earth-moving equipment and other heavy machinery. All construction-related activities would be required to comply with the noise standards contained in the City of Fremont's Municipal Code which limits such activities to certain times of the day and week to reduce noise impacts on any sensitive receptors such as residences, schools or senior care facilities within earshot of the construction site. In this case, these restrictions are:

Monday-Friday: 7 a.m. to 7 p.m.
Saturdays and Holidays: 9 a.m. to 6 p.m.
Sundays: No construction activities allowed.

These construction hours apply to all development located within 500-feet of a sensitive receptor, and are designed to limit construction activities primarily to daylight hours when most residents are awake, and other noise sources such as vehicular traffic, lawn mowers, leaf blowers and air traffic are also occurring. Enforcement of these restrictions will reduce noise impacts from the construction of the project to a less-than-significant level; therefore, no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None Required

e-f) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

There are no public or private airports located in the City or vicinity.

Potential Impact: No Impact
Mitigation: None Required

XIII. POPULATION AND HOUSING - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X	1, 2, 4
b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	1, 2, 4
c.	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	1, 2, 4

Existing Conditions

The project site consists of one parcel totaling ±1.11 acres located at 34653 Fremont Boulevard and contains an existing single-family dwelling which would be preserved in its current location. A shed and storage building would be demolished. The property was historically part of a family farmstead. Currently, the majority of the project site is fallow soil, with several fruit trees scattered across the property.

Regulatory Framework

Local regulations that pertain to the proposed project related to population and housing include:

- City of Fremont General Plan Land Use and Housing Chapters (referencing City Housing Element, July 2009)

Discussion/Conclusion/Mitigation

a-c) Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

The proposed project is consistent with the residential density prescribed for the property by the City's General Plan. As such, it will not result in unanticipated growth in an area of the City where residential growth has not already been planned for. In addition, the project site is surrounded by existing townhomes and single-family residential development, and will therefore not require the extension of new infrastructure that could induce additional population growth in the area.

Furthermore, the site currently contains only one occupied single-family dwelling that would be preserved. Therefore, the project would not displace residents. As such, the project would not have a significant impact on the area's current population or housing stock and no mitigation is required.

Potential Impact: No Impact
Mitigation: None Required

XIV. PUBLIC SERVICES:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
	Fire protection?				X	1, 10
	Police protection?				X	1, 10
	Schools?				X	1, 10
	Parks?				X	1, 10
	Other public facilities?				X	1, 10

Existing Conditions

The project site consists of one parcel totaling ±1.11 acres located at 34653 Fremont Boulevard and contains an existing single-family dwelling which would be preserved in its current location. A shed and storage building would be demolished. The property was historically part of a family farmstead. Currently, the majority of the project site is fallow soil, with several fruit trees scattered across the property. The site is located near an established residential area of the City approximately 190-feet from the intersection of Fremont Boulevard and Ferry Lane where all public services needed to serve the project are already in place.

Regulatory Framework

Local regulations that pertain to the proposed project related to public services include:

- City of Fremont General Plan Public Facilities Chapter
- City of Fremont Municipal Code

Discussion/Conclusion/Mitigation

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: fire, police, schools, parks or other public facilities?

On September 3, 1991, the City Council passed resolutions implementing the levying of Development Impact Fees for all new development within the City of Fremont. These fees are required of any new development for which a building permit is issued on or after December 1, 1991. The concept of the impact fee program is to fund and sustain improvements that are needed as a result of new development as stated in the General Plan and other policy documents within the fee program. Development Impact Fees fall into the following categories: Traffic Impact Fees, Park Dedication and Park Facilities In-Lieu Fees, Capital Facilities Fees, and Fire Service Fees.

The proposed development is located in an area of the City where public facilities and services needed to serve the project are already in place. The applicable Development Impact Fees that would be collected in the amounts required for each type of public service would be sufficient to

continue to offset the project's impacts to those services. As such, no impacts to public facilities or services would result, and no mitigation is required.

Potential Impact: No Impact
Mitigation: None Required

XV. RECREATION:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X		1, 2, 3, 12
b.	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X		1, A

Existing Conditions

The project site consists of one parcel totaling ±1.11 acres located at 34653 Fremont Boulevard and contains an existing single-family dwelling which would be preserved in its current location. A shed and storage building would be demolished. The property was historically part of a family farmstead. Currently, the majority of the project site is fallow soil, with several fruit trees scattered across the property.

Regulatory Framework

Local regulations that pertain to the proposed project related to recreation include:

- City of Fremont General Plan Parks and Recreation Chapter

Discussion/Conclusion/Mitigation

a-b) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Construction of the proposed residential development could result in a slight increase in demand for local and regional park and recreation facilities; however payment of the required in-lieu park dedication and park facility fees for new residential development as described in Section XIV, Public Services, above, would offset the increased demand in accordance with applicable City ordinances and reduce the impacts to such facilities to a less-than-significant level. Furthermore, the proposal will not require the construction or expansion of new facilities, only the payment of in-lieu park dedication fees in accordance with the applicable City ordinances.

Potential Impact: Less than Significant
Mitigation: None Required

XVI. TRANSPORTATION/TRAFFIC - Would the project:

	ISSUES:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			X		1, 7, H
b.	Conflict with an applicable congestion management program, including, but not limited to a level of service standard standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			X		1, 7, H
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X	1, 7, H
d.	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X	1, 7, H
e.	Result in inadequate emergency access?				X	1, 6, 7, H
f.	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X	1, 7, H

Existing Conditions

The project site is located 1,200-feet north of the intersection of Fremont Boulevard and Decoto Road. The northwest-bound segment of Fremont Boulevard adjacent to the project site currently has an average daily traffic volume of 11,436 vehicles and average AM and PM peak hour volumes of 1,057 vehicles and 1,185 vehicles, respectively.

Regulatory Framework

Local regulations that pertain to the proposed project related to transportation/traffic include:

- City of Fremont General Plan Mobility Chapter

Discussion/Conclusion/Mitigation

a-b) Would the project exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? Would the project conflict with an applicable congestion management program, including, but not limited to a level of service standard standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

Based on the proposed development of 18 new townhomes and one existing single-family dwelling, the project is estimated to generate 110 total daily weekday trips, 8 AM peak hour trips

and 10 PM peak hour trips (reference: Land Use Codes #230 Condominium/Townhomes and #210 Single Family Detached Housing from ITE Trip Generation Handbook, 9th Edition). Daily trip generation rates and PM peak hour trip generation rates are the two primary regulating factors in determining if significant impacts would occur as a result of a development project. The project is estimated to contribute a net increase of nine new AM peak hour trips and eight net new PM peak hour trips, resulting in a less than significant impact to the existing roadway. The project's PM peak hour trip generation is well below the 100 new PM peak hour trips that would require additional traffic impact analysis. The northwest-bound segment of Fremont Boulevard adjacent to the project site where the proposed private street would connect currently has an average daily traffic volume of 11,436 vehicles and average AM and PM peak hour volumes of 1,057 vehicles and 1,185 vehicles, respectively. In this case, the net increase in daily trips generated by the proposed project represents a less than three percent increase in total daily trips and a less than two percent increase in total AM and PM peak hour trips. This percentage increase would not significantly impact or change the levels of service (or LOS) at nearby intersections.

The proposed residential project is consistent with the underlying General Plan land use designation and density requirements prescribed by the designation. Traffic impacts resulting from development of the site under the existing residential General Plan designation were analyzed in the General Plan Update EIR in 2011. The addition of project traffic would not cause level of service at nearby intersections to deteriorate beyond the level of service analyzed in the General Plan EIR.

Potential Impact: Less than Significant
Mitigation: None Required

c-d) Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The proposed project would not have an impact on air traffic patterns as there are no airports in Fremont. The design of the proposed project, including the entrance to the private street from Fremont Boulevard and all internal private streets, would be consistent with City development standards. Vehicular access to the project site would be provided via a single driveway entrance to the site off Fremont Boulevard which would be designed to City standards for traffic safety and accessibility purposes. Thus, no impacts would result and no mitigation is required.

Potential Impact: No Impact
Mitigation: None Required

e-f) Would the project result in inadequate emergency access? Would the project conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

Emergency vehicle access would be provided throughout the entire project over the proposed private streets in the form of a recorded emergency vehicle access easement (EVAE) benefiting the City's Fire Department. No sharp curves or dangerous intersections would be created by the project, as the entry driveway along Fremont Boulevard and all intersections and/or bends along the project's private streets would be designed in accordance with the City's standard details. Furthermore, the proposal does not feature any other unusual design elements that could pose a substantial safety hazard to vehicular or bicycle traffic or pedestrians. The project would also not

conflict with any plans, policies or programs supporting alternative transportation in that it would not obstruct or otherwise impact any transit stops or bicycle lanes.

Potential Impact: No Impact
Mitigation: None Required

XVII. UTILITIES AND SERVICE SYSTEMS - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X	10, agency notice
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X	10, agency notice
c.	Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X	10, agency notice
d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X	10, agency notice
e.	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X	10, agency notice
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X	10, 24
g.	Comply with federal, state, and local statutes and regulations related to solid waste?				X	10, 24

Existing Conditions

The project site consists of one parcel totaling ±1.11 acres located at 34653 Fremont Boulevard and contains an existing single-family dwelling which would be preserved in its current location. A shed and storage building would be demolished. The property was historically part of a family farmstead. Currently, the majority of the project site is fallow soil, with several fruit trees scattered across the property. The site is located in an established residential area of the City near the intersection of Fremont Boulevard and Ferry Lane where all public utilities and services needed to serve the project are already in place. The project would connect to existing public and private utilities via underground connections within the Fremont Boulevard public right-of-way.

Regulatory Framework

Local regulations that pertain to the proposed project related to utilities and service systems include:

- City of Fremont General Plan Public Facilities Chapter
- City of Fremont Municipal Code

Discussion/Conclusion/Mitigation

a-e) Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the

construction of which could cause significant environmental effects? Would the project require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

The proposed project would connect to existing water, sewer and storm drain lines located in Fremont Boulevard which already serve the area. The utility companies that would provide utility services to the proposed subdivision were notified of the project and did not indicate that it would generate an increase in wastewater or stormwater runoff levels that could exceed the capacity of the sewer and storm drain lines serving the property or require excessive amounts of water that could not be provided by the existing water main serving the area. As such, the existing sewer, storm drain, and water lines serving the area need not be expanded to accommodate the proposed development and impacts to utilities would be less than significant.

Potential Impact: Less than Significant
Mitigation: None Required

f-g) Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? Would the project comply with federal, state, and local statutes and regulations related to solid waste?

The project would be served by the City's franchised waste hauler agreement in compliance with applicable standards for conventional residential waste products and recyclables. The agreement provides landfill capacity for anticipated residential growth in accordance with the City's General Plan. Since the proposed project is consistent with the General Plan, no impacts to solid waste disposal services would result and no mitigation is required.

Potential Impact: No Impact
Mitigation: None Required

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X	See Previous
b.	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the				X	See Previous

	effects of probable future projects)?					
c.	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X		See Previous

Discussion/Conclusion/Mitigation

The above discussion adequately addresses all potential impacts the proposed project may have on the environment. This initial study has found that the proposed project would not have the potential to degrade the quality of the environment. The implementation of the identified mitigation measures listed in Section XIX, below, combined with the project conditions of approval, would reduce all impacts the project may have to a less-than-significant level.

XIX. MITIGATION MEASURES:

Mitigation Measure Air-1: *Prior to the issuance of a grading and/or building permit, whichever occurs first, the following best management practices shall be included in a dust control plan to limit particulate matter (dust emissions) and noted on construction plans along with the contact information for a designated crewmember responsible for the on-site implementation of the plan:*

1. *All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered twice per day.*
2. *All haul trucks transporting soil, sand, or other loose material off-site shall be covered.*
3. *All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.*
4. *All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.*
5. *All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.*
6. *Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.*
7. *All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.*
8. *Post a publicly visible sign with the telephone number and person to contact at the City of Fremont regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations*.

Mitigation Measure Bio-1: *To mitigate any potential impact to future occupation of the site by burrowing owls, the following measures shall be shall be incorporated into the project conditions of approval and written into the construction drawings:*

a) *No more than 30 days prior to the start of construction activity, a focused survey for burrowing owls shall be conducted by a qualified biologist, in accordance with the most recent version of the California Department of Fish and Game (CDFG) protocol to identify active burrows on and within 250 feet of all construction and staging areas. The preconstruction surveys shall be conducted regardless of the time of year in which construction occurs. If there is a gap of more than 30 days in project activity in an undisturbed construction area, the area shall be re-surveyed prior to the recommencement of activity. Prior to the commencement of construction after the survey, a written verification by the biologist of the survey result shall be submitted to the City. If no occupied burrows are found in the survey area, no further action is necessary.*

b) *In addition to preconstruction surveys, the contractor, in consultation with a biologist, shall provide an educational presentation for job site construction workers that explains and identifies burrowing owl considerations so as to avoid other accidental incidents when a biologist is not present. Written verification of participation in an educational program shall be provided by the biologist prior to initial commencement of work on the site and signs or posters shall be maintained on site in a prominent location visible to workers that identify burrowing owls.*

c) *If occupied burrows are found in the survey area, on-site passive relocation techniques (e.g., one-way doors) may be used to encourage owls to move to alternative burrows outside of the impact area. Notification shall be given to the City upon discovery. A protection plan shall be prepared by the biologist and submitted for City review. Relocation or disturbance of owls cannot occur during the*

nesting season (April through August). A qualified biologist may verify through non-invasive methods that the burrow is no longer occupied and prevention measures may then be incorporated to prevent reoccupation during the nesting season.

d) If a burrow is occupied during the nesting season, impacts shall be avoided by establishing a 250 foot buffer around the burrow where no activity shall occur. The size of the buffer area may be adjusted if a qualified biologist determines it would not be likely to have adverse effects on the burrow. No project activity shall commence within the buffer area until the nesting season has ended, or a qualified biologist confirms that the burrow is no longer occupied or that the young have fledged.

Mitigation Measure Bio-2: *If project-related activities are scheduled to occur during the nesting season (February 1 through August 31 for protected raptors and migratory birds), a focused survey of the work area for active nests of such birds shall be conducted by a qualified biologist within 15 days prior to the beginning of any project-related activities. If a lapse in the project-related work of 15 days or longer occurs during the nesting season, another focused survey will be required before project work can be reinitiated. If an active nest is found, the applicant/developer shall establish a buffer area that surrounds the nest location. The width of the buffer shall be determined by the survey biologist and shall be dependent on the location of the nest and the affected species. No project-related work or activities shall be permitted within the buffer area until the biologist has determined the nest is no longer active. The final determination shall be made by the City of Fremont Planning Manager upon receipt of the biologist's recommendation.*

Mitigation Measure Cult-1: *If any archaeological or paleontological resources or human remains are encountered during grading or site disturbance, the following measures shall be implemented:*
All work shall cease within a 200-foot radius of the discovery until it can be evaluated by a qualified archaeologist. Work shall not continue until the archaeologist conducts sufficient research and data collection to make a determination as to the significance of the resource. If the resource is determined to be significant and mitigation is required, the first priority shall be avoidance and preservation of the resource. If avoidance is not feasible, an alternative archaeological management plan shall be prepared that may include excavation. If human remains are discovered, the Alameda County Coroner's office shall be notified as required by state law. All excavation and monitoring activities shall be conducted in accordance with the prevailing professional standards, as outlined in the CEQA Guidelines and by the California Office of Historic Preservation.

Mitigation Measure Cult-2**:** *Implement project improvement measure 1.0, which suggests modifications to the Landscape design that prioritize the ability to see the primary (northeast) and secondary (southeast and northwest) facades of the historic house from the public right-of-way.*

Mitigation Measure Cult-3**:** *Follow measures outlined in Exterior Rehabilitation Plan (Siegel and Strain, July 2014) when conducting necessary repairs and remediation to the Historic Resource.*

Mitigation Measure Haz-1: *Site development and grading shall not occur until the site has been certified by the California Department of Toxic Substance Control (DTSC) as suitable for new residential development. Certification will require the applicant or their agent to complete a Preliminary Endangerment Report or a Voluntary Cleanup Agreement, and receive DTSC's concurrence that the site's Recognized Environmental Conditions (RECs) have been resolved.*

Mitigation Measure Haz-2: *The applicant shall excavate and dispose of approximately 1,073 tons of soil 2014 from the site by a California licensed hazardous waste licensed contractor, under signed manifests to accepting landfills as stated in the report prepared by Geosolve, Inc. date June 16, 2014.*

Confirmation of soil samples must be collected from the excavation limits to determine if the impacted-soil was removed from the site. Approximately six soils samples should be randomly collected and tested from the excavation site limits within Area 1. Approximately 12 confirmation soil samples should randomly collected and tested from the excavation limits within Area 2, and approximately two confirmation soil samples should be randomly collected and tested from the excavation limits within Area 3. The conformation soil samples shall be delivered under the chain-of-custody documentation to a State-Certified hazardous waste testing laboratory and analyzed for lead. The excavation areas must be backfilled and compacted with clean imported fill to a 95 percent maximum dry-density.

GENERAL SOURCE REFERENCES:

The following is a list of references used in the preparation of this document. Unless attached herein, copies of all reference reports, memorandums and letters are on file with the City of Fremont Department of Community Development. References to publications prepared by federal or state agencies may be found with the agency responsible for providing such information.

1. Existing land use.
2. City of Fremont General Plan (Land Use Element Text and Maps)
3. City of Fremont Municipal Code Title 18, Planning and Zoning (including Tree Preservation Ordinance)
4. City of Fremont General Plan (Certified 2009 Housing Element)
5. Alquist-Priolo Earthquake Fault Zoning Act and City of Fremont General Plan (Safety Element)
6. City of Fremont General Plan (Safety Element)
7. City of Fremont General Plan (Mobility Element)
8. City of Fremont General Plan (Conservation Element, including Biological Resources, Water Resources, Land Resources, Air Quality, Energy Conservation and Renewable Energy)
9. City of Fremont General Plan (Safety Element, subsection Noise & Vibration)
10. City of Fremont General Plan (Public Facilities Element)
11. City of Fremont General Plan (Community Character Element)
12. City of Fremont General Plan (Parks and Recreation Element)
13. City of Fremont General Plan (Community Plans Element, Measure T)
14. RWQCB National Pollutant Discharge Elimination System (NPDES) Municipal Permit October 2009
15. RWQCB, Construction Stormwater General Permit, September 2009
16. Alameda Countywide Clean Water Program Hydromodification Susceptibility Map 2007
17. Flood Insurance Rate Map (FEMA online) and City of Fremont General Plan (Safety Element)
18. Hazardous Waste & Substances Sites List, consolidated by the State Department of Toxic Substances Control, Office of Environmental Information Management, by Ca./EPA, pursuant to Government Code Section 65962.5 (accessed online)
19. Department of Conservation Important Farmland Map 2010
20. City of Fremont Agricultural Preserves Lands Under Contract (2007 Map and List)
21. Bay Area Air Quality Management District: Clean Air Plan (Bay Area Ozone Strategy 2010)
22. CARB Scoping Plan December 2008
23. City of Fremont Greenhouse Gas Emissions Inventory 2005
24. City of Fremont Municipal Code Title 8, Health and Safety (e.g. solid waste, hazardous materials, etc.)
25. City of Fremont Municipal Code Title 12, Streets, Sidewalks & Public Property
26. City of Fremont Municipal Code Title 15, Building Regulations
27. City of Fremont Wireless Telecommunications Ordinance
28. Fremont Register of Historic Resources and Inventory of Potential Historic Resources
29. Local Cultural Resource Maps (CHRIS)
30. Fremont High Fire Severity Zone Map

PROJECT RELATED REFERENCES:

A. Project Plans prepared by MacKay & Somps, Inc., et al., dated July 2014
B. Site reconnaissance visit by City Planning staff, July 2014
C. Tree Inventory Report prepared by Ray Morneau, dated July 2014
D. Phase 1 Environmental Site Assessments prepared by Engeo Incorporated, dated February 24, 2014
E. Phase 2 Environmental Site Assessments prepared by GeoSolve Incorporated, dated July 16, 2014
F. Historic Resource Evaluation prepared by Page & Turnbull, dated June 12, 2014
G. Exterior Rehabilitation Plan prepared by Siegel & Strain Architects, dated July 21, 2014